

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LILITH GAMES (SHANGHAI) CO. LTD., Plaintiff, v. UCOOL, INC. AND UCOOL LTD., Defendants.

) Case No. 15-CV-01267-SC
) ORDER DENYING DEFENDANTS' ADMINISTRATIVE MOTION TO EXCLUDE EVIDENCE

On September 11, 2015, the Court will hold a hearing on Plaintiff's motion for preliminary injunction. The hearing has been repeatedly delayed, primarily in order to provide Defendants with the opportunity to perform discovery in support of their opposition. Now before the Court is Defendants' latest request to delay the hearing or to limit the evidence admitted at the hearing. ECF Nos. 102 ("Mot."), 104 ("Opp'n"). For the following reasons, Defendants motion is DENIED. Plaintiffs are hereby ORDERED to file under seal¹ a written version of the Lua code analysis they intend

¹ An attendant motion to seal is unnecessary.

1 to present at the hearing no later than 12:00PM (noon) on September
2 10, 2015.

3 Plaintiff has repeatedly sought the Lua Code embodied in
4 Defendants' game, Heroes Charge. Defendants' primary objection to
5 producing the code was that Plaintiff was not entitled to discovery
6 because it had not adequately disclosed the trade secret allegedly
7 misappropriated by Defendants. On July 9, 2015, the Court held
8 that Plaintiff had adequately disclosed the trade secret, and
9 Plaintiff was not barred from taking discovery. ECF No. 66.

10 Less than a week after the Court's order, Plaintiff requested
11 the Defendants make the Lua code embodied in Heroes Charge
12 available for review no later than July 20, 2015. Defendants,
13 however, did not produce the code until after the briefing closed
14 on Plaintiff's motion for preliminary injunction. Further, the
15 code that was produced was incomplete. Defendants now argue that
16 Plaintiff's expert should be prohibited from testifying at the
17 preliminary injunction hearing regarding his analysis of the code,
18 or that the hearing should be delayed once more.

19 Further delay is unacceptable. Moreover, in order for the
20 Court to make a fully informed decision, testimony from each side's
21 experts regarding the Lua code is necessary. Accordingly,
22 Plaintiff's expert will be permitted to testify at the preliminary
23 injunction hearing regarding his analysis of the Lua code. The
24 testimony will serve as rebuttal evidence to Defendants' analysis
25 of the Lua code submitted as part of their briefing. Plaintiffs

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1 are ORDERED to file under seal a written version of the Lua code
2 analysis they intend to present at the hearing no later than
3 12:00PM (noon) on September 10, 2015.

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5 IT IS SO ORDERED.

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7 Dated: September 9, 2015

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UNITED STATES DISTRICT JUDGE